

#13-24

**AN ORDINANCE VACATING A PORTION OF THALIA STREET LOCATED IN THE TOWNSHIP OF NORTH BRUNSWICK, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AND CONVEYING SUCH VACATED LANDS TO THE ADJACENT PROPERTY OWNERS**

**WHEREAS**, a portion of Thalia Street is an unimproved, paper street located in the Township of North Brunswick, Middlesex County, New Jersey; and

**WHEREAS**, Doloma Investment of North Brunswick, Inc. is the owner ("South Side Owner(s)") of property known as Block 75, Lots 1-4 and 6-9, on the the Official Tax Map of the Township of North Brunswick, Middlesex County, New Jersey (collectively, the "South Side Property"); and

**WHEREAS**, these properties are adjacent to Thalia Street on the south side; and

**WHEREAS**, Koyal Realty, LLC is the owner ("North Side Owner(s)") of property known as, and Block 4.45 Lots 14-22, on the Official Tax Map of the Township of North Brunswick, Middlesex County, New Jersey (collectively, the "North Side Property"); and

**WHEREAS**, these Properties are adjacent to Thalia Street on the north side; and

**WHEREAS**, the North Side Owner(s) and South Side Owner(s) have requested that the Township of North Brunswick vacate a portion of Thalia Street (as more fully described on a metes and bounds description attached hereto and made a part hereof as Exhibit "A"), so that the North Side Owner(s) and South Side Owner(s) properties may be expanded and the North Side Owner(s) and South Side Owner(s) may seek site plan approval for possible improvements upon the expanded North Side and South Side Properties; and

**WHEREAS**, N.J.S.A. 40:67-1(b) authorizes the governing body of every municipality to adopt an ordinance to vacate any public street or any part thereof; and

**WHEREAS**, pursuant to N.J.S.A. 40:67-19, a municipality may vacate a public street where there has been a dedication of lands as a public street and same has not been accepted by the municipality and it shall appear to the governing body of the municipality that the public interest will be better served by releasing those lands or a part thereof from such dedication and the lands or part thereof released from the dedication shall be effectively discharged therefrom as though the dedication had not taken place; and

**WHEREAS**, pursuant to N.J.S.A. 40:49-6, a municipality must publish ordinances authorizing vacations or dedications of land in the manner required by N.J.S.A. 40:49-2, except that every such ordinance, after being introduced and having passed a first reading, shall be published at least once not less than ten (10) days instead of one week prior to the time fixed for further consideration for final passage, and, at least one week prior to the time fixed for final passage, a copy of such ordinance, together with a notice of the introduction thereof and the time and place when and where the ordinance shall be considered for final passage shall be mailed to every person whose lands may be affected by the ordinance; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12-5, a municipality has the power to acquire or sell any real property for a public purpose through negotiated agreement; and

**WHEREAS**, the Township Council of the Township of North Brunswick has determined that it would fulfill a public purpose to vacate a portion of Thalia Street (as more fully described in Exhibit "A" attached hereto and made a part hereof) as same is not needed nor used as a public street, and to convey the vacated lands to the North Side Owner(s) and the South Side Owner(s) in accordance with law.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of North Brunswick, County of Middlesex and State of New Jersey that Thalia Street, as more fully described in the attached Exhibit "A" be and is hereby vacated; and

**BE IT FURTHER ORDAINED**, that the vacated lands formerly comprising Thalia Street are to be conveyed to the adjacent property owners, from the center line of the vacated Thalia Street to Doloma Investment of North Brunswick, Inc.(the South Side Owner) and from the center line north of the vacated Thalia Street to Koyal Realty, LLC(the North Side Owner), in accordance with law; and

**BE IT FURTHER ORDAINED**, that the Mayor and Township Clerk are hereby authorized and directed to execute any documents which may be required to convey the aforesaid vacated lands; and